

MEETING MINUTES CITY OF MILPITAS

Minutes of: Special & Regular Meetings of Milpitas City Council
Date: Tuesday, May 16, 2017
Time: 5:30 PM Closed Session (special meeting)
6:00 PM Closed Session (regular meeting)
7:00 PM Open Session
Location: Council Chambers, Milpitas City Hall,
455 East Calaveras Blvd., Milpitas

SPECIAL MEETING CALL TO ORDER

Vice Mayor Grilli called the special meeting to order at 5:30 PM. City Clerk Mary Lavelle called the roll.

PRESENT: Vice Mayor Grilli, Councilmembers Barbadillo, Nuñez and Phan

ABSENT: Mayor Tran

The City Council along with City Attorney Chris Diaz adjourned to Closed Session to discuss one employee matter and two litigation items on the agenda and returned to the Council Chambers dais at 6:36 PM. The City Attorney stated there was no announcement out of Closed Session for the special meeting.

The Special Meeting Closed Session was adjourned at 6:37 PM.

REGULAR MEETING CALL TO ORDER

Vice Mayor Grilli called the regular meeting to order at 6:37 PM. City Clerk Mary Lavelle called the roll.

PRESENT: Vice Mayor Grilli, Councilmembers Barbadillo, Nuñez and Phan

ABSENT: Mayor Tran

CLOSED SESSION

City Council convened in Closed Session to discuss labor negotiations with one group and one litigation matter.

OPEN SESSION

City Council then convened in Open Session at 7:09 PM.

ANNOUNCEMENT

There was no announcement out of closed session.

PLEDGE

Fire Department Explorers provided the presentation of flags and led the pledge of allegiance.

SCHEDULE OF MEETINGS

Council Calendars/Schedule of Meetings for May and June 2017

City Manager Tom Williams announced there would be a Special Meeting of the Planning Commission Subcommittee on Wednesday, May 17 at 6:30 PM.

PRESENTATIONS

Vice Mayor Grilli proclaimed the following:

- National Foster Care/Resources Parent Awareness Month for May 2017, accepted by County Social Worker Quyen Vu, who said more families were needed to care for children in foster care.

- Older Americans Month for May 2017, accepted by Senior Advisory Commissioners Jenny Berryhill and Barbara Ebright. Seniors were celebrating at the Barbara Lee Senior Center.
- Public Works Week for May 21 – 27, 2017, accepted by Public Works Director Nina Hawk and several of the department staff.
- Memorial Day in Milpitas on May 29, 2017, accepted by Diana Mihalikis, mother of Michael, a Milpitas-raised veteran who sacrificed his life in Iraq in 2003

PUBLIC FORUM

Sandra Wilkerson, resident of Sunnyhills Apartments, spoke about the property where residents were experiencing trouble since the owner sent a letter that he would not renew a contract for Section 8 vouchers for low-income residents to live. They needed help.

Teresa Perez, resident of Sunnyhills, said owners were telling them information about Section 8 vouchers, to make units available if open. People with disabilities, special needs kids and parents lived there.

Hien La, resident, sought a public meeting on the Sunnyhills apartments. Consider needs for those residents, especially seniors and those with kids. Please help those residents, she urged.

Vinh Nguyen, resident at Sunnyhills apartments, was concerned about a letter the owner sent to residents, and those with Section 8 vouchers. They will have to move out with nowhere to move to that was affordable.

Ankar Agarwal, a Milpitas resident, came to talk about the Newby Island Landfill. He said we should do everything in our power to stop that landfill, which emanated odor and made Milpitas unlivable and was a public nuisance. He wanted the city to fight a lawsuit.

George Liu, Milpitas resident, opposed the Newby Island landfill expansion. Residents needed help to stop the expansion and the smell. Carry on the fight, he said.

Ms. Do, resident at Sunnyhills Apartments, was concerned about a new owner, who wanted to take down the building. There's a waiting list of 2-5 years in the Bay Area for those with Section 8 housing vouchers. Families would be displaced and needed to be heard.

Awa Zhu, resident of 15 years in Milpitas, spoke regarding the odor issue. Working with the City of San Jose did not work. Only litigation, a justified expense, was the way to fight the smell and the Newby Island expansion permit.

Voltaire Montemayor, Milpitas resident, noted the upcoming Chamber International BBQ event at the end of May. He urged everyone to attend.

Ms. Kong, 11 year resident of Milpitas, wanted litigation against Newby Island, especially with regard to the odors. She had data to show to the City Council. There was no resolution after all the years fighting, trying to work with San Jose, so a legal proceeding was needed.

Justin, resident of 17 years, highly objected to the bad odor. The only option was to file a lawsuit to stop the expansion.

A woman resident referred to an online petition sent to City Council this morning. 768 people signed that petition since this morning to urge litigation against City of San Jose for approving the expansion permit for the landfill.

Michael Tsai, Milpitas resident, thanked everyone who came to a Rotary Club fundraising dinner where more than \$21,000 was raised last Saturday night for students and young people in Milpitas and overseas. He urged all to remember we're all one community and to work together.

Isaac Hughes, Milpitas resident, referred to the City Manager's performance, the Mayor being out of town, and when the City Attorney said someone can't speak that he quote the law every time. When Mr. Williams spoke over people, he should be cut off from speaking to City Council.

A man heard that City of Milpitas was thinking of dropping its lawsuit against San Jose over the issue of landfill expansion. That's terrible, he said. For the new Mayor, that was his number one issue and so he needed to live up to his campaign promise. Special interests were being protected, he believed.

Tom Clavel, a resident of Sundrop development, spoke of the landfill and there was a short period of time by when a lawsuit could be filed. He referred to a petition with 767 signatures on this date.

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

City Attorney Diaz asked Councilmembers if they had any personal conflicts of interest or reportable campaign contributions. None were reported.

APPROVAL OF AGENDA

Motion: to approve the meeting agenda, as amended

City Manager Williams requested that the City Council move agenda item no. 9 on affordable housing to a Special Study Session at another date and suggested several in June.

Councilmember Nuñez stated that he wanted to meet sooner and recommended Monday, May 22 as the meeting date for the housing topic. Mr. Nuñez asked all the Sunnyhills residents in the audience to stand up.

He also requested to move agenda item no. 6 (consider a censure policy for Council) to the June 6 meeting agenda.

Motion/Second: Councilmember Phan/Councilmember Nuñez

Motion carried by a vote of: AYES: 4
NOES: 0
ABSENT: 1 (Tran)

CONSENT CALENDAR

Motion: to approve the Consent Calendar (items noted with *asterisk), as amended

Councilmember Nuñez requested to remove agenda item no. 4 (Commission appointments) and item no. 17 (remove Task Force member) from consent.

Motion/Second: Councilmember Nuñez/Councilmember Barbadillo

Motion carried by a vote of: AYES: 4
NOES: 0
ABSENT: 1 (Tran)

*10. Out of State Travel Approved two requests for out of state travel for: (1) Finance Director Will Fuentes to attend GFOA conference in Colorado, and (2) Police Captain Armando Corpuz to attend the FBI National Academy graduation in Quantico, Virginia on June 7, 2017.

*11. Resolution Adopted Resolution No. 8662 amending the Classification Plan to adjust salary ranges for City of Milpitas Part-Time Temporary Classifications effective June 25, 2017 to reflect the Milpitas minimum wage rate.

*12. Resolution Adopted Resolution No. 8663 to affirm compliance with the Surplus Land Act to satisfy the requirement of the Metropolitan Transportation Commission for grant funding.

*13. Resolution Adopted Resolution No. 8664 granting initial acceptance of public improvements and approve a reduction of improvement security for the faithful performance for the Orchid Subdivision at 31 Los Coches Street by DR Horton Bay, Inc.

*14. Resolution Adopted Resolution No. 8665 initiating proceedings for the levy and collection of assessment and ordering preparation of the annual Engineer's Report for the Landscaping and Lighting Maintenance Assessment District No. 95-1 (McCarthy Ranch).

*15. Resolution Adopted Resolution No. 8666 initiating proceedings for the levy and collection of assessment and ordering preparation of the annual Engineer's Report for the Landscaping and Lighting Maintenance Assessment District No. 98-1 (Sinclair Horizon).

APPROVE MINUTES Motion: to approve the City Council meeting minutes of April 26, 2017 and May 2, 2017 (regular and special meetings)

Motion/Second: Councilmember Phan/Councilmember Barbadillo

AYES: 4
NOES: 0
ABSENT: 1 (Tran)

PUBLIC HEARINGS

1. Ordinance No. 293 on EPS Foam Food Ware Engineering staff Leslie Stobbe explained required trash reduction goals, and defined what Expanded Polystyrene (EPS) was: petroleum based lightweight plastic material often used for food take out products. She explained the goals of the proposed ordinance, the outreach efforts conducted, a timeline and requirements of this program.

Councilmember Nuñez asked what outreach was done since the last City Council meeting. Ms. Stobbe replied that no additional outreach was done during that timeframe. A mail survey was done in coordination with the Milpitas Chamber of Commerce. Mr. Nuñez asked Tom Valore from the Chamber Board to come to the podium. Ms. Stobbe reported that the Chamber did not take a position on this ordinance or proposed regulation of EPS food ware.

Vice Mayor Grilli inquired about work done with local restaurants. Councilmember Phan asked if bilingual outreach efforts were a priority and Ms. Stobbe replied yes, if approved this evening. He wanted it particularly done as outreach to businesses.

Councilmember Barbadillo asked if the ban was across the board for all types of businesses. Staff said no. There was no ban on the sale of products in a store (such as grocery store on plates from that material). Ms. Stobbe clarified the ban was for take-out food and in restaurants, use of foam food plates or serving ware, too. The Councilmember asked if there was cooperation with the Milpitas Unified School District. Staff reported that Mr. Brian Shreve of MUSD staff and a member of the City's Recycling and Source Reduction Advisory Commission, was asked about that and responded that the school district already did not use such products for many years.

Vice Mayor Grilli opened the public hearing.

Chris, from Clean Water Action, previously spoke in Milpitas on the plastic bag ban and its impact on the health of residents, wanted to focus on the impact to small businesses and costs. He suggested restaurants use re-usable products rather than disposable items. He spoke of environmental concerns over the foam products and healthful reasons to adopt the proposed ban.

Paul Ledesma, of Save the Bay regional organization, supported the Council taking action, as a positive step to reduce trash in the bay and an improved environment. He previously worked for the City of San Jose where such a ban was adopted a few years ago. He knew from a study that there was no long-term impact of such a ban on small businesses in the community.

Tom Clavel, Milpitas resident, spoke in favor of the ordinance. He cared about the environment and wanted to contribute to reducing waste and getting to zero waste.

Voltaire Montemayor, Milpitas resident, noted the trash problem. He was for business but he also cared about the environment.

Joanna, Milpitas resident, said a lot of weeds were growing across Milpitas.

Rob Means, 1421 Yellowstone, said it was nice to be catching up to the other 11 cities in Santa Clara County on this issue. He wondered why it was already ten years since MUSD did not use such containers. Public acceptance was already there on this topic.

(1) Motion: to close the public hearing, following comments from six speakers

Motion/Second: Councilmember Nuñez/Councilmember Barbadillo

Motion carried by a vote of: AYES: 4
NOES: 0
ABSENT: 1 (Tran)

City Manager Williams explained there was a difference between the 43% and 70% diversion goals for trash. Staff could explain that difference in detail, if desired.

City Attorney Diaz gave some instruction about how to make changes to the text of the ordinance if the Council directed those.

Councilmember Nuñez agreed with Rob Means and did not think the ordinance went far enough. Small stores had lots of items on foam trays, covered with plastic wrap. He wanted to capture much more than take-out containers. He commented about how to enforce regulation on use of foam ware at public events, at City facilities and city-sponsored events. He was in favor of the ordinance.

Vice Mayor Grilli responded that some of what Mr. Nuñez said was going to be part of educating the community, making them aware about the products. Ms. Grilli agreed with wanting to do more. She wanted to proceed with first steps now.

The City Manager remarked on Recreation staff's capacity to implement the ordinance and informing those who rent City facilities not to use those types of items.

Councilmember Nuñez wanted to stress outreach to small restaurants and businesses, by Economic Development staff. Economic Development Director Edesa Bitbadal came forward, and stated she'd be happy to work with Engineering staff and would reach out to Chinese language-speakers and owners of small businesses in particular.

Councilmember Phan asked how long had the City known of a need to adopt this type of ordinance. Ms. Stobbe replied that the City first started to look at this and other recycling efforts in 2010. First, staff worked on getting the plastic bag ban through at Council level. Mr. Phan said multiple outreach to businesses should be done simultaneously.

City Attorney Diaz read the title of Ordinance No. 293 "An Ordinance of the City Council of the City of Milpitas Adding Chapter 8 of Title III of the Milpitas Municipal Code Relating to the Prohibition of Expanded Polystyrene (EPS) Foam Food Service Ware."

(2) Motion: to waive the first reading beyond the title and introduce Ordinance No. 293

Motion/Second: Councilmember Nuñez/Councilmember Phan

Motion carried by a vote of: AYES: 4
NOES: 0

ABSENT: 1 (Tran)

(3) Motion: to adopt the City policy restricting EPS foam food ware use at City facilities and at City-sponsored events, and to consider in the future a revised ordinance that covers much more efforts to ban EPS, such as at delis and take-out food stores and direct staff to return to Council with its recommendation

Motion/Second: Councilmember Phan/Councilmember Nuñez

Motion carried by a vote of: AYES: 4
NOES: 0
ABSENT: 1 (Tran)

**2. CUP and Zoning Change
for 529 So. Main Street**

Senior Planner Michael Fossati explained the request for actions related to zoning for a property at 529 South Main Street, which held the Greater Love Church religious facility. Changes requested, if adopted, would no longer require 1,000 feet distance between religious facilities in the MXD zoning district.

Vice Mayor Grilli invited the applicant to come forward.

Robert Livengood spoke on behalf of the applicant/owner of the building. He thanked City staff for their work to tie loose ends together, and thanked the Milpitas Planning Commission for efforts on this item.

Councilmember Barbadillo inquired what the reason was for the spatial distance as originally listed in the Specific Plan. Mr. Fossati responded that it had to do with quasi-public use. Religious uses were grouped in with other uses, and there was a goal for vibrant street life in the Mid-Town Specific Plan. If approved, the 1,000 feet rule would be removed and no number of feet required.

Planning Director Brad Misner noted that the 1,000 feet requirement would still apply to quasi-public use, while religious institutions would be removed from this list.

Next, Vice Mayor Grilli opened the public hearing.

Voltaire Montemayor, Milpitas resident, always supported establishment of worship places, especially on Main Street.

Robert Marini, Milpitas resident, heard that a religious group was a protected class and wondered why that was so.

Mr. Misner responded to the resident that it was due to federal law which protected religious institutions so that they could be established in nearly all zones in a city, particularly in residential areas.

(1) Motion: to close the public hearing, following comments from two speakers

Motion/Second: Councilmember Phan/Councilmember Nuñez

Motion carried by a vote of: AYES: 4
NOES: 0
ABSENT: 1 (Tran)

(2) Motion: to adopt Resolution No. 8660 approving the Specific Plan Amendment to allow religious institutions within the MXD zone to be located within 1,000 feet of another quasi-public use

Motion/Second: Councilmember Phan/Councilmember Nuñez

Motion carried by a vote of:

AYES: 4
NOES: 0
ABSENT: 1 (Tran)

City Attorney Diaz read aloud the title of Ordinance No. 38.829, "An Ordinance of the City Council of the City of Milpitas Amending Title XI, Chapter 10, Section 6.02, Subsection 6.02 of the Milpitas Zoning Code to Remove "Churches and Other Religious Institutions" from the Spatial Requirement that Requires Such Uses be More than 1,000 Feet from One Another for Lots Location in an MXD Zoned Designation."

(3) Motion: to waive the first reading beyond the title and introduce Ordinance No. 38.829

Motion/Second: Councilmember Nuñez/Councilmember Phan

Motion carried by a vote of:

AYES: 4
NOES: 0
ABSENT: 1 (Tran)

(4) Motion: to adopt Resolution No. 8661 approving a Conditional Use Permit to allow Greater Love Church to occupy 529 S. Main Street

Motion/Second: Councilmember Nuñez/Councilmember Barbadillo

Motion carried by a vote of:

AYES: 4
NOES: 0
ABSENT: 1 (Tran)

UNFINISHED BUSINESS

3. Study Session No. 4 for FY 2017-18 budget

At 10:38 PM, City Council returned from a break.

City Attorney Chris Diaz addressed the Council for his office's budget. He described the array of work, including his efforts to do a comprehensive update of the City Council handbook. Mr. Diaz highlighted major accomplishments over the last fiscal year. He provided some numeric performance measures, including the large increase in the number of Council resolutions and ordinances from FY 2015-16 to FY 2016-17 and those projected for FY 2017-18. The budget request increase was a minor 2% which covered personnel costs, and a very minor decrease in services and supplies requested for FY 2017-18.

Councilmember Phan thanked the attorney for his help as a brand new City Council and answering their many questions. He asked if Mr. Diaz was working full time for the City.

Mr. Diaz explained the model in use, as a contracted law firm for the City of Milpitas. He said that the majority of his hours worked in the past year were for Milpitas, while he did have other city clients. Mr. Phan asked Mr. Diaz if he needed an additional assistant or other staff. Mr. Diaz noted the many resources available through his firm and the Executive Secretary here at City Hall.

Councilmember Nuñez asked for additional explanation of the staffing numbers for the City Attorney's office.

Next, City Manager Tom Williams presented the proposed budget for City Council. He displayed highlights of the City Council's work plan for next year. He noted the request for more community outreach with the new City Council this year so far, for clearly communicating with residents of the city.

The City Manager reviewed accomplishments of the Council, including useful discussions on setting priorities and sound fiscal policies, and including hosting several community meetings. Mr. Williams reviewed Council goals, identifying eight areas of work focus for

the elected officials. He identified the financial amount requested, where a large increase was included in services and supplies with a \$470,000 increase that was specifically to go toward increased library hours. This budget included a small line item amount for each of the Commissions.

Councilmember Phan asked what percent of the budget was spent on Commissions. Mr. Williams responded it was very low, and he could get back to that number for Council.

Councilmember Phan wondered if it would make sense to consolidate some of the Commissions. The City Manager said that was a really good question and was more than fiscal in nature. It could be a good idea for effectiveness. Mr. Phan would like to have a future discussion on re-organizing some of the Commissions.

Vice Mayor Grilli responded that this could be a topic for another meeting in the future, at a later date for more discussion.

Councilmember Nuñez inquired about several of the specific Commissions' budgets, including Planning Commission and Sister Cities Commission. He wanted more information about the line item for funds paid to United Way for 2-1-1 service.

Councilmember Phan asked what was allocated to the Milpitas Chamber of Commerce and the City Manager replied, the annual membership fee. Mr. Phan asked if the City could join the larger SVO (Chamber) organization for Silicon Valley and Mr. Williams said the City certainly could. Councilmember Phan would like to see the budget before the next budget meeting.

Councilmember Nuñez would like more information on categories of membership before joining the SVO. Staff could provide that information back to the Council with benefits to the City identified.

Mr. Williams noted that a discussion was held at a past meeting about the City hiring a cultural liaison. He did not know if that type of position needed to be added to the budget, or to have more discussion. It could be a position within the City Manager's office, he suggested, with a salary in the range of \$120,000 including benefits.

Councilmember Nuñez would be interested in seeing information collected and wanted more on the budget process. He would ask more questions about personnel and vacant positions. He wanted to know what happened if those positions were not filled, and what happens to funds budgeted if not spent.

Vice Mayor Grilli thanked the City Manager for the discussion.

REPORTS OF OFFICERS

4. Mayor's recommendations for Commission appointments

Councilmember Nuñez had requested this item removed from consent.

He spoke of the Economic Development Commission and noted there was currently an alternate member on that Commission who regularly attended meetings and who might move up to a voting spot, as long as his attendance was in good standing. He did not want to vote in favor of the appointment of Peter Chang (as recommended by the Mayor) due to the available alternate who could serve in the "residents" seat on EDC.

He wanted to recommend a no vote on that appointment and to possibly recommend another name for the Commission vacancy.

City Attorney Diaz provided the regulation in state law that authorized the Mayor to make appointments to Commissions, with the confirmation of the City Council. He gave the suggestion to the City Council to make a vote on all other recommendations, and leave out the appointment that Mr. Nuñez did not support.

Motion: to approve Commission appointments, as recommended by the Mayor, excluding the appointment to the residents seat on the Economic Development Commission

Economic Development Commission:

Newly appointed Lynne Rice (marketing director at the Great Mall) as the retail representative to a term that will expire in April of 2018.

Park, Recreation and Cultural Resources Commission:

Appointed Aakar Shah as Alternate No. 1 to a term that will expire in June 2018.

Newly appointed Voltaire Montemayor as Alternate No. 2 to a two-year term that will expire in June of 2019.

Motion/Second: Councilmember Nuñez/Councilmember Phan

Motion carried by a vote of: AYES: 4
NOES: 0
ABSENT: 1 (Tran)

5. Possible Urgency Ordinance

This item was moved to be heard after item no. 2

Councilmember Nuñez asked for staff time to work on an urgency ordinance to protect existing low income housing in the City. He recently visited one complex where the owner proposed to convert units. There were very long waits for Section 8 holders to move to a new place since not much was available anywhere in the County. Residents would be displaced in Milpitas.

Vice Mayor Grilli invited speakers to address the Council. A woman volunteered to translate for Vietnamese people in attendance, which included many residents of Sunnyhills Apartments.

An older woman spoke (in Vietnamese language) to the Council with her comments stating she had lived there more than 10 years, with good neighbors she counted on. She cannot find another place to live and needed help, especially with a low income.

A man spoke to the Council (in Vietnamese language). It was difficult to move or buy another place to live and spoke of the current rents paid at Sunnyhills. No one could move at the same price and might become homeless.

A man, resident at Sunnyhills, spoke (in Vietnamese language) to Council. He referred to handicapped and very low income persons who lived at those apartments. Residents wanted very much to stay in Milpitas. They were mostly immigrants and needed help.

Tony Alexander thanked the City Councilmembers for coming to the apartments to visit and talk with some of the residents of those apartments. Many of those people had lived there for 25-30 years. He was glad to hear there would be a meeting on May 22 about housing issues, noting there was so much history in Sunnyhills.

The woman who had translated for Sunnyhills residents spoke of people in need and was glad to have a public meeting to voice concerns.

Vice Mayor Grilli thanked speakers and Councilmember Nuñez.

Motion: to approve more than four of staff time and direct staff to prepare an urgency ordinance to preserve all existing low income housing units in the City of Milpitas

Motion/Second: Councilmember Nuñez/Councilmember Phan

Councilmember Phan spoke in Vietnamese language to many residents of Sunnyhills Apartments in the audience who had earlier addressed the Council (during Public Forum).

Motion carried by a vote of:

AYES: 4
NOES: 0
ABSENT: 1 (Tran)

The City Manager asked for the timeframe required for the urgency ordinance requested and Councilmember Nuñez replied as soon as possible.

6. Possible Censure Policy

Councilmember Nuñez requested staff time to draft a censure policy. He requested development of a policy for City Council. There was no way to police “ourselves” he noticed and felt it was needed. Upon doing the city’s business, if anything was said or done by elected officials that did reflect on the City. There were real consequences to what was said at times, so there was a need for a vehicle to do that.

Mr. Nuñez wanted the City Attorney to develop a policy, censure or otherwise, to have a majority of its members to have a vehicle to police itself.

Motion: to allow more than four hours of staff time to work on and return to the City Council with a censure policy

Motion/Second: Councilmember Nuñez/Councilmember Barbadillo

Motion carried by a vote of:

AYES: 3
NOES: 1 (Phan)
ABSENT: 1 (Tran)

NEW BUSINESS

7. Alert SCC

This item was continued to the June 6, 2017 agenda.

8. Alviso Adobe Design

This item was heard following agenda item no. 5.

Recreation Director Renee Lorentzen introduced consultant Cassie Rogg from Page & Turnbull, who then addressed the Council on the concept design planned for the Alviso Adobe interior project. The Adobe was the best remaining example of the Monterey Colonial style of architecture in the Bay Area that was still intact. She described the project overview to preserve and restore the building itself, the structure and the interior.

Next, designer Donald Sibbett from The Sibbett Group came to the podium, explaining he would design interpretive exhibits inside the home, highlighting the 1840 ranching lifestyle. It would include a “Talking Walls” approach. Mr. Sibbett expressed the need to use technology to highlight history at the site.

Ms. Lorentzen commented on efforts to be made on the project. The expense and plans for the Alviso Adobe renovation were approved recently in the Capital Improvement Program projects list for FY 2017-18. Also, grants would be pursued toward the costs of the project. When completed, docent tours would be planned.

Councilmember Nuñez asked when all the work for the project would be done. Staff replied the City would hope to open the adobe by 2020.

Councilmember Barbadillo asked if the renovation would be inside and outside of the building. Ms. Lorentzen responded, inside primarily. He inquired about landscaping on the site and staff explained that had been extensively done already in 2013.

Vice Mayor Grilli said it was exciting and she looked forward to the many beautiful improvements at Alviso Adobe.

Councilmember Phan asked about parking there. Staff responded that it was minimal, at this cul-de-sac residential location. Parking was available on Evans Road. In the future, staff would need to coordinate with schools or groups for bus or student drop-offs.

The Vice Mayor invited a speaker from the audience.

Voltaire Montemayor, resident, supported parks and this property next to the hills.

Motion: to approve the concept design plan as presented for the Alviso Adobe Building Interior Restoration Project

Motion/Second: Councilmember Nuñez/Councilmember Barbadillo

Motion carried by a vote of: AYES: 4
NOES: 0
ABSENT: 1 (Tran)

9. Report on Affordable Housing

This subject was rescheduled to a Special City Council Meeting for a study session on the following Monday, May 22 at 6:00 PM.

RESOLUTION

16. Senate Bill 687

Vice Mayor Grilli noted she had already taken a position in support of the legislation Senate Bill 687, regarding the closure of emergency rooms across California.

Councilmember Nuñez explained that the bill in the state legislature would require hospitals, before they closed, would have to go to the Attorney General for an opinion before they could be sold or closed. If a hospital with an emergency room closed, there might be no emergency facilities at all in more rural areas or other parts of the county. The sponsors of the bill were looking for support. Residents needed health care and access to it and so he wanted Milpitas City Council to take a look at the bill. He suggested the City Attorney to find a resolution (perhaps from another city) that had already been adopted.

Motion: Per request of Councilmember Nuñez, direct staff to study this topic and to prepare a resolution of support for Senate Bill 687 for adoption

Motion/Second: Councilmember Nuñez/Councilmember Phan

Motion carried by a vote of: AYES: 4
NOES: 0
ABSENT: 1 (Tran)

REPORTS

17. Remove Member of Citizens Task Force on Water Rates

Councilmember Nuñez commented on the reason for the recommendation, which was due to lack of attendance. He asked about the policy about attendance on Commissions.

City Clerk Mary Lavelle explained what was in the by-laws of most Commissions. If a Commissioner missed three or more meetings unexcused, that information would be presented to City Council and the Council could choose to remove a member.

City Manager Tom Williams pointed out that the item on the agenda at this meeting came as a recommendation from the Task Force - not staff.

Councilmember Nuñez said he wanted to bring back a policy on attendance for Commissions, Committees and Task Forces.

Motion: to remove Karina Dominguez as a member of the Citizens Task Force on Water Rates, and to direct staff to return with a report on Commissioner attendance policy for future discussion on an amended policy or by-laws on attendance

Motion/Second: Councilmember Nuñez/Councilmember Phan

Councilmember Barbadillo commented about meeting attendance, based on his experiences on Commissions and outside boards. He remarked that people did these roles as volunteers. The bottom line was absences could be grounds to terminate a Commissioner, but it should be coupled with an actual lack of interest. If absence was inferred to show lack of interest, then Council could terminate a member. That should be the basis, not only just mere absence.

Councilmember Phan had heard from the member in question of her intention to resign from the Task Force. He was not clear why she had not been available to attend the meetings to date.

The Task Force Chair had not heard from the member in writing.

Speakers:

Tom Valore, served on the Task Force, and it irked him that someone who did not come to meetings would be able to voice an opinion at the time for recommendations since they did not have all information provided. The group was told at the beginning they were expected to attend all the meetings.

Voltaire Montemayor, resident, liked the word “inferred” and needed the majority to make a motion or a vote.

Evelyn Chua, Chair of the Task Force, felt that maybe there was a challenge with one or two members, but overall the rest of the 13 members of that group were hard working and dedicated to its purpose.

Motion carried by a vote of: AYES: 3
NOES: 1 (Phan)
ABSENT: 1 (Tran)

ADJOURNMENT

Vice Mayor Grilli adjourned the regular City Council meeting at 11:36 PM.

The foregoing minutes were approved by Milpitas City Council on June 6, 2017.

Mary Lavelle
Milpitas City Clerk